

3.1 The SCEP Definition of 'Separated Children'

- ⌘ Separated children are children under 18 years of age who are outside their country of origin and separated from both parents, or their legal/customary primary caregiver.
- ⌘ Some are totally alone while others may be living with extended family members.
- ⌘ All are entitled to international protection under a broad range of international and regional instruments.
- ⌘ They may be seeking asylum for a number of reasons.



3.2 The Reasons for Separation and Flight

- ⌘ fear of persecution
- ⌘ armed conflict or disturbances in their own country
- ⌘ becoming victims of trafficking for sexual or other exploitation
- ⌘ escaping conditions of serious poverty or deprivation



3.3 Some of the Main Countries of Origin of Separated Children in Europe

Africa

Sub- Sierra Leone,
Saharan: Somalia, Guinea,
Rwanda, Democratic
Republic of Congo,
Sudan,
Eritrea/Ethiopia,
Burundi. Angola

North Africa: Morocco, Algeria

Asia China, Afghanistan,
Sri Lanka, Vietnam.

Middle East Turkey, Iraq, and
Iran

Europe and Region of the former
CIS: Yugoslavia, Albania,
Romania, Russian
Federation

Source: Ayotte (2000)



4.1 Risk Factors That Increase Vulnerability of Separated Children in Exile

- ⌘ previous exposure to violence
- ⌘ identification with those who have perpetrated violence
- ⌘ loss or disappearance of parent
- ⌘ severe anxieties
- ⌘ difficulties with mourning and change
- ⌘ difficult experiences on arrival
- ⌘ racism
- ⌘ isolation



4.2 Protective Factors that Help Children to Deal with Separation and Past Events

- ⌘ leading as 'normal' a life as possible in the circumstances
- ⌘ an appropriate carer
- ⌘ access to a social or community network
- ⌘ being involved in education
- ⌘ cultural healing processes and traditions

Source: Ayotte, Wendy (1998) Supporting Unaccompanied Children in the Asylum Process, London: Save the Children



5.1 The Three Main Types of Instruments Informing Work with Separated Children

- ⌘ Treaties, i.e. conventions such as the UN *Convention on the Rights of the Child*, 1989
- ⌘ Legal acts within the European Union, for example the *EU Resolution on unaccompanied minors who are nationals of third countries*, June 1997
- ⌘ Recommendations from inter-governmental organisations and NGO's such as *UNHCR's 'Guidelines'*



5.2 Key Documents Informing the SCEP Statement of Good Practice

- ⌘ The UN Convention on the Rights of the Child, 1989 (**CRC**)
- ⌘ **UNHCR *Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum***, 1997
- ⌘ The European Council on Refugees and Exiles *Position on Refugee Children*, 1996 (**ECRE**)



5.3 First Principles of Work with Separated Children

- ☒ Best Interests
- ☒ Non-discrimination
- ☒ Right to Participate
- ☒ Bi-culturalism
- ☒ Interpretation
- ☒ Confidentiality
- ☒ Information
- ☒ Inter-organisational
Co-operation
- ☒ Staff Training
- ☒ Durability
- ☒ Timeliness



5.4 The Twelve Standards of the SCEP Statement of Good Practice

- ⌘ Access to the Territory
- ⌘ Identification
- ⌘ Family Tracing and Contact
- ⌘ Appointment of Guardian or Adviser
- ⌘ Registration & Documentation
- ⌘ Age Assessment
- ⌘ Freedom from Detention
- ⌘ Right to Participate
- ⌘ Family Reunification in a European Country
- ⌘ Interim Care – Health, Education and Training
- ⌘ The Asylum or Refugee Determination Process
- ⌘ Durable or Long-term Solutions



7.1 Access to the Territory

“Separated children seeking protection should never be refused entry or returned at the point of entry. They should never be detained for immigration reasons. Neither should they be subject to detailed interviews by immigration authorities at the point of entry.” (C.1)

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7.2 Instruments Concerning Access to the Territory

- ⌘ 1951 Refugee Convention
- ⌘ CAT
- ⌘ CRC
- ⌘ ICCPR
- ⌘ ECHR
- ⌘ Dublin Convention
- ⌘ HCR Guidelines
- ⌘ ECRE
- ⌘ EU Resolution
- ⌘ SCEP Statement of Good Practice



7.3 Registration and Documentation

“... immigration and border police officers should limit their interviews to gathering basic information about the child’s identity.” (C.4)

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7.4 Definition of 'Trafficking'

“Trafficking consists of all acts involved in the recruitment or transportation of persons within or across borders, involving deception, coercion or force, debt bondage, or fraud for the purpose of placing persons in situations of abuse or exploitation, such as forced prostitution, slavery-like practices, battering or extreme cruelty, sweatshop labour or exploitative domestic servitude”



8.1 Identification of Separated Children

Identification

Establishment of Identity

1. Presumption of age
 2. Age assessment in case of doubt
- Safe
 - Respect dignity
 - Respect culture
 - Benefit of doubt for results

Establishment of Separated Status

1. Accompanied or unaccompanied
2. If accompanied, assessment of relationship with adult



8.2 Registration of Separated Children

Twin Track

- ⌘ Basic data by migration officials
- ⌘ Complete social history by social workers



8.3 Documentation of Separated Children

- ⌘ Lack of documents / false documents not a reason to return
- ⌘ Careful assessment of documents
- ⌘ Benefit of the doubt



9.1 Family Tracing

“Tracing for a child’s parents and family needs to be undertaken as soon as possible, but this should only be done where it will not endanger members of a child’s family in the country of origin. States and other organisations undertaking tracing should co-operate with UN agencies and the ICRC Central Tracing agency.

Separated children and young people need to be properly informed and consulted about the process. Where appropriate those responsible for a child’s welfare should facilitate regular communication between the child and her or his family.” (C 8)

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9.2 The Aim of Family Tracing

Family Tracing has a key role to play in finding a long-term solution that is in the best interests of the child as in most cases this will mean a return to the family.



9.3 Family Reunification

“Separated children seeking asylum or otherwise present in a European state sometimes have family member(s) in other European states. European states should positively facilitate family reunion for the child in the state where the child’s best interests will be met in accordance with safeguards set out in paragraph 12.2.” (C9)

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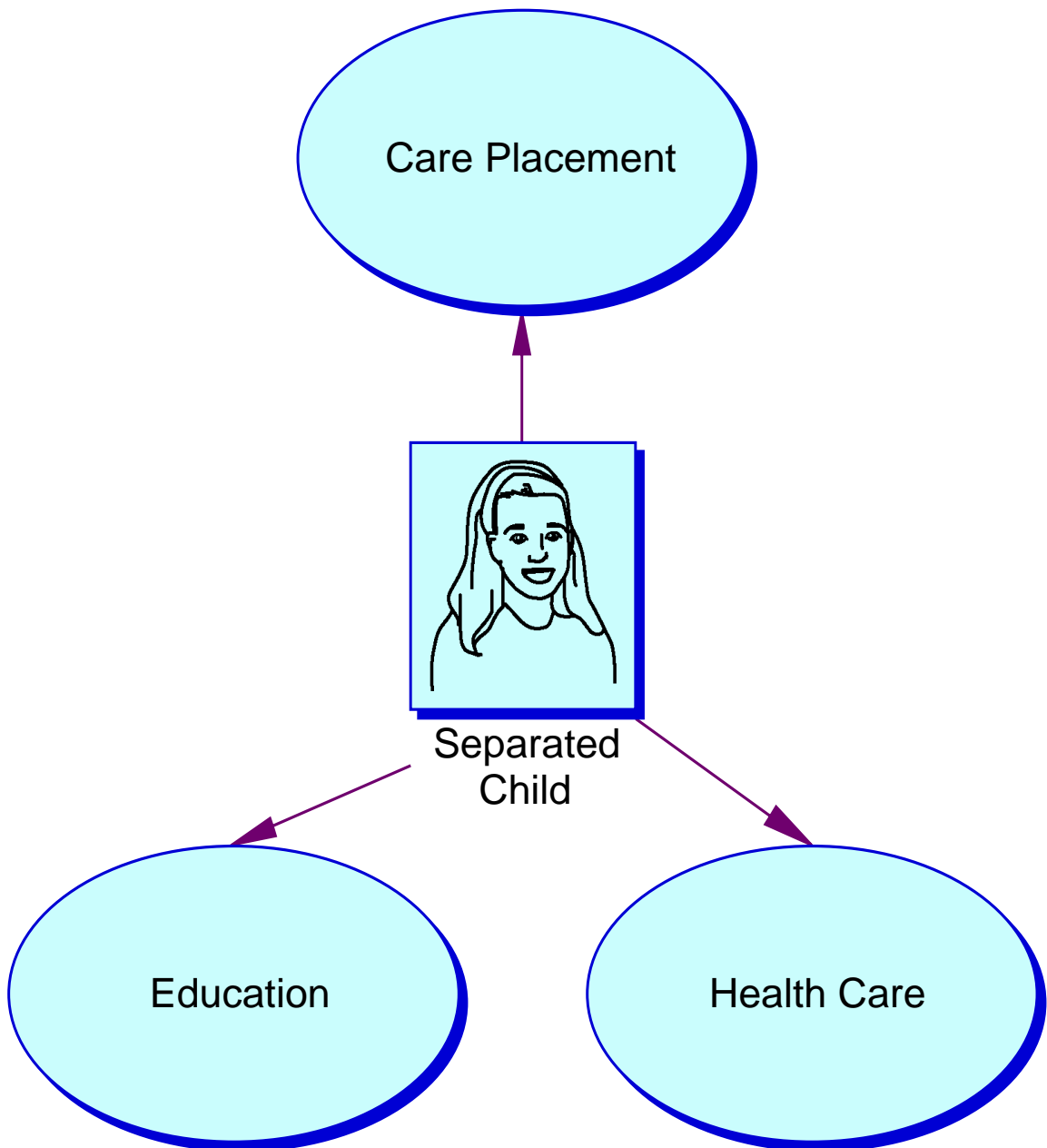


10.1 The Responsibilities of a Guardian for a Separated Child

- to ensure that all decisions taken are in the child's best interests
- to ensure suitable care, accommodation, education, language support and health care provision
- to ensure suitable legal representation
- to consult with and advise the child or young person
- to contribute to a durable solution in the child's best interests
- to provide a link with service-providing organisations
- to advocate where necessary
- to ensure family tracing and explore the possibility of reunification.



11.1 Interim Care Arrangements



11.2 Characteristics of Good Interim Care Arrangements

- ⌘ Suitable interim care placement
 - ☑ Careful assessment of child's needs
 - ☑ Decision in best interests of child
- ⌘ Bi-cultural approach to provision
 - ☑ Suitable professionals who understand child
 - ☑ Develop links with ethnic minority
- ⌘ Establish safeguards against trafficking
 - ☑ Raise awareness of risks
 - ☑ Close follow-up on trafficking
- ⌘ Access to suitable health care
 - ☑ Assessment of physical/ psychological needs
 - ☑ Access to counselling
- ⌘ Access to suitable education provision
 - ☑ Language support & access to mother tongue teaching
 - ☑ Flexible, welcoming approach



12.1 Key Requirements for Good Practice

- ⌘ The right of access to the asylum procedure
- ⌘ Acknowledging the vulnerability of the separated child
- ⌘ Legal representation at all stages and involvement of guardians/advisers
- ⌘ Ensure efficient and fair processing of asylum applications in practice
- ⌘ Ensure no undue delay
- ⌘ Suitable interpreters



12.2 Access to Procedure (1)

- ⌘ The right of access to the asylum procedure
 - ☑ A general principle
 - ☑ Safeguarding of children's rights to seek asylum
 - ☑ ... the child should be exempted from all special procedures ...
- ⌘ Ensure the legal representation at all stages of the procedure
 - ☑ Knowledge requirements
 - ☑ Other special competencies



12.3 Access to Procedure (2)

- ⌘ Procedural guarantees during the decision procedure
 - ☑ Not undue delay
 - ☑ Right of appeal review by an independent judicial authority
- ⌘ Involving children in the determination procedure
 - ☑ Sensitive interpreters using mother tongue
 - ☑ Child-friendly interviewing techniques
 - ☑ Taking into account criteria directly related to the case (individual approach)



12.4 What Legal Representatives Need to Know

- ⌘ national asylum law and procedure
- ⌘ immigration rules and policies relating to separated children seeking asylum
- ⌘ relevant international instruments including the 1951 Refugee Convention and other human rights conventions
- ⌘ international instruments relating to children, in particular the UNHCR Guidelines and the CRC
- ⌘ the situation in the country of origin of the child (particularly the human rights situation)



12.5 Competencies of Children's Legal Representatives

- Knowledge of national child-care legislation
- Understanding of how national child welfare agencies work
- Child-appropriate interview skills
- The ability to communicate with children
- A basic understanding of child development (when working with younger children)
- A basic understanding of the signs of psychological distress
- The ability to respond sensitively to distressed children
- An ability to make appropriate referrals to other agencies



12.6 Article 12 of the CRC

“States parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.” (Art.12)
Convention on the Rights of the Child



12.7 Why Separated Children May Not Express Their Fears

- ⌘ the cognitive ability of the child
- ⌘ who the adults involved are (including their age, race and gender)
- ⌘ the physical environment within which testimony is given
- ⌘ the style of questioning
- ⌘ the nature of the traumatic event(s) to be recalled
- ⌘ the form in which the child is expected to give information
- ⌘ the language of the interview
- ⌘ fears about the impact of telling the truth
- ⌘ the use of readymade testimony provided by traffickers or others



13.1 Why Durable Solutions are Important

“The ultimate aim of work with separated children is to achieve a durable solution that is in the long-term best interests of the child; all decisions that are taken regarding separated children must take account of this ...”



13.2 The Three Main Type of Durable Solutions

- Remaining in a host country/country of asylum
- Return to country of origin
- Settlement in a third country
- (Note: Any of these solutions may or may not involve family reunification)



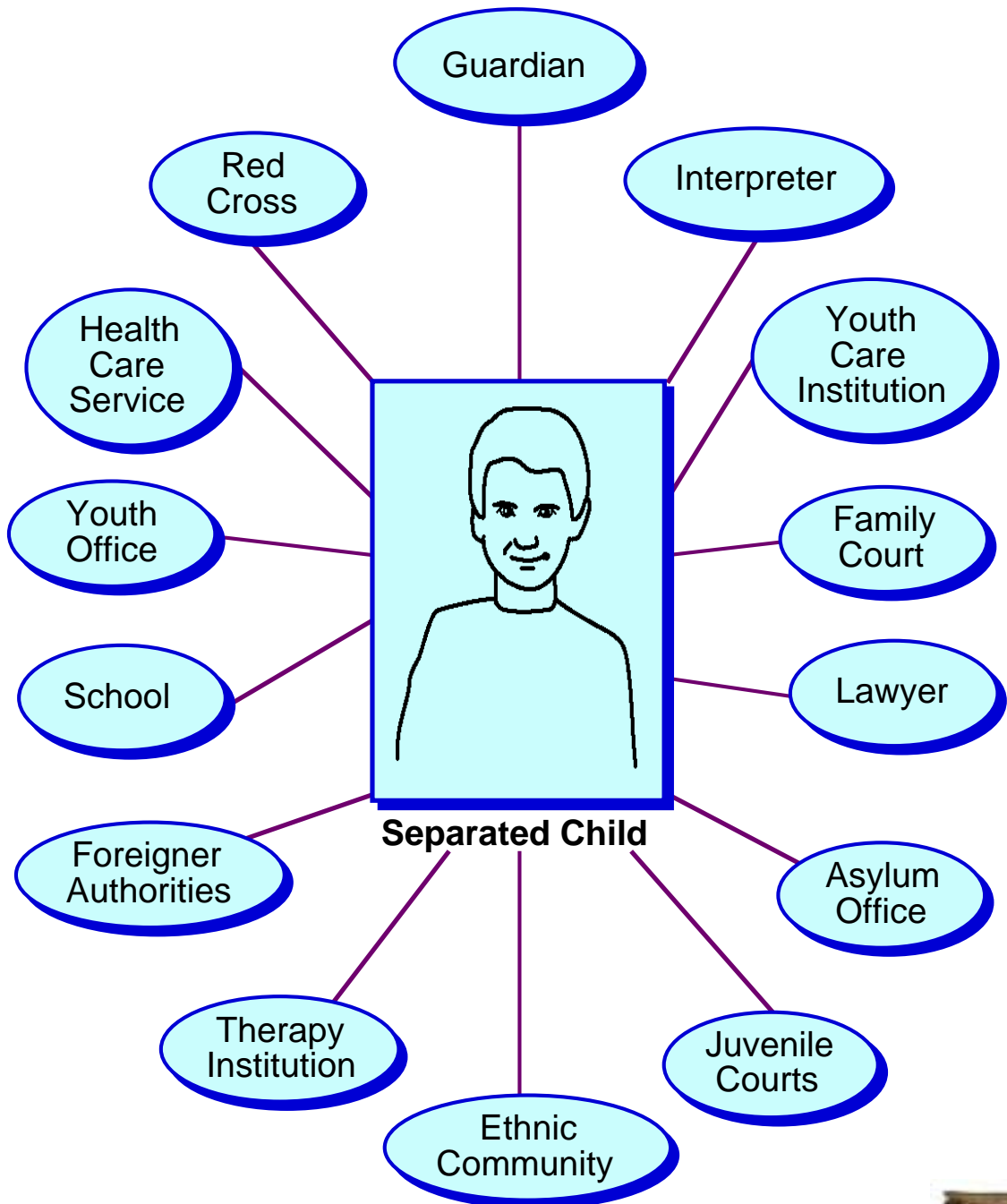
14.1 Inter-organisational Co-operation

“Organisations, government departments and professionals involved in providing services to separated children must co-operate to ensure that the welfare and rights of separated children are enhanced and protected.”

SCEP Statement of Good Practice Principle 8



14.2 Agencies and Professionals Dealing with a Separated Child



14.3 The Rationale for Inter-organisational Co-operation

- ⌘ Essential to ensure best interests of children
- ⌘ Requires basic understanding of agency roles and policies
- ⌘ Can be facilitated by encouraging co-operation
- ⌘ Co-operation requires sharing information
- ⌘ Joint strategies and action plans can encourage co-operation
- ⌘ Joint training can build mutual understanding and trust

